REMARKS

Applicant wishes to thank the Examiner for the courtesies extended during the telephone interview on April 21, 2003, in which the aforesaid Office Action was discussed.

In the aforesaid Office Action, claims 1-4 and 11-14 were rejected under 35 USC §102(b) as being anticipated by Bazell et al. (U.S. Patent No. 3,884,242), and claim 10 was rejected under 35 USC §102(b) as being anticipated by Inoue (U.S. Patent No. 5,100,386), and claims 6-9 were rejected under 35 USC §103(a) as being unpatentable over Bazell et al. alone. Applicants note with appreciation the indication that claim 15 would be allowable if rewritten in independent form including all limitations of the base and any intervening claims. Claims 1-4 and 6-15 are pending.

The Examiner rejected claims 1-4 and 11-14 under 35 USC §102(b) as being anticipated by Bazell et al., and claims 6-9 under 35 USC §103(a) as being unpatentable over Bazell et al. alone, stating in the Response to Arguments section that the Examiner asserts that Bazell et al. does disclose that distal tip 19, which includes portion 20, see column 8, line 6, tapers distally from the proximal end thereof, see column 8, lines 6-8. However, Bazell et al. at column 8, lines 6-8 discloses that the tip 19 proximal portion 20 may be tapered inwardly from approximately the region of the shoulder 21 to the proximal edge 22. Therefore, in Bazell et al., tip 19 does not taper distally to a smaller outer diameter from the proximal-most end thereof toward the distal end thereof. Rather, portion 20 is tapering proximally from the shoulder 21 toward the proximal end 22 thereof (i.e., the outer diameter of proximal edge 22 of portion 20 is smaller than the outer diameter of the distal part 21 of portion 20; see for example column 8, lines 38-41, discussing the inward taper of tip portion 20). In contrast, in the embodiment set forth in claim 1, the tip tapers distally to a smaller outer diameter from the proximal-most end toward the distal

end (and therefore has a proximal end with a larger outer diameter than parts of the tip distal thereto).

The Examiner rejected claim 10 under 35 USC §102(b) as being anticipated by Inoue, stating that tip 24 of Inoue, in fluid communication with the shaft guidewire lumen (defined by inner tube 14), has a proximal end adhesively joined to the balloon distal shaft section, see column 3, lines 20-25. However, at column 3, lines 20-25, Inoue discloses that the tip 24 is adhesively bonded to the inner tube 14 and does not disclose or suggest that it is adhesively bonded to the balloon 16. Rather, at column 3, lines 36-40, Inoue discloses that the balloon 16 is attached to tip 24 by suitable fastener means 30.

Moreover, Applicant's claim 10 requires that the shaft inner tubular member extends distally from the balloon. Such a configuration is not disclosed or suggested in Inoue. Instead, Fig. 1 of Inoue illustrates the distal end of the balloon 16 located distal to the distal end of the inner tube 14.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1 and 13 are amended as follows:

1. (Three times amended) A balloon catheter having a distal end, the balloon catheter comprising:

an elongated catheter shaft having a proximal end, a distal end, a proximal shaft section, a distal shaft section, an inflation lumen, and a guidewire receiving lumen extending along at least a portion thereof, the guidewire receiving lumen being in communication with a port at the catheter distal end;

a balloon on the catheter distal shaft section, having an interior in fluid communication with the inflation lumen, proximal and distal ends, a proximal shaft section, and a distal shaft section adhesively secured to the catheter shaft, the balloon distal shaft section having an outer surface tapering distally; and

a distal tip member having a proximal-most end and a distal-most end [ends], an outer surface tapering distally to a smaller outer diameter from the proximal-most end of the distal tip member toward the distal-most end of the distal tip member, a lumen in fluid communication with the catheter shaft guidewire receiving lumen, and a proximal portion adhesively secured to the balloon distal shaft section and the catheter shaft.

13. (Twice Amended) A method of forming a balloon catheter, comprising:

providing a catheter assembly including a catheter shaft having proximal and distal ends, and a balloon having proximal and distal ends with an interior and a distal shaft section with an interior surface;

providing a tip member having [proximal and distal ends] a proximal-most end and a distal-most end;

positioning the distal end of the catheter shaft within the interior of the balloon distal shaft section and terminating at a point distal to the balloon distal end;

providing adhesive along the exterior surface of the catheter shaft extending underneath the balloon distal shaft;

positioning the proximal-most end of the tip member adjacent the balloon distal end;

adhesively bonding at least a portion of the balloon distal shaft section to the catheter shaft; and

adhesively bonding at least a portion of the tip member to the catheter shaft and at least a portion of the tip member to the balloon distal shaft section [to the tip member], to thereby form a distal tip portion of the catheter having an outer surface tapering distally along the adhesively bonded portion of the balloon distal shaft section and the distal tip member, with the tip member having an outer surface tapering distally from the proximal-most end of the tip member toward the distal-most end of the tip member.

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